Title 139 - NEBRASKA EQUAL OPPORTUNITY COMMISSION EQUAL PAY ACT OF NEBRASKA NONDISCRIMINATION ON BASIS OF SEX

Chapter 3 - SUBPOENAS; ATTENDANCE; FEES; OATHS AND AFFIRMATIONS

001 Subpoenas.

<u>001.01</u> Whenever in the discretion of the Commission it is deemed necessary to compel the attendance of witnesses or the production for examination of any books and papers relating to any matter under investigation or in question before the Commission, the Commission may issue a subpoena and thereby compel such attendance of witnesses or production for examination of books and papers.

<u>001.02</u> The Commission shall issue such subpoena at the instance of any party to a proceeding upon a showing of necessity therefore.

<u>002</u> Where a subpoena is applied for and issued at the instance of any party to a complaint or other proceeding, the cost of service, witness and mileage fees shall be borne by the party at whose instance it has been requested and issued unless otherwise ordered by the Commission. Where a subpoena is issued at the instance of the Commission or any member thereof, the cost of such service, witness and mileage fees shall be borne by the Commission. Such witness and mileage fees shall be made in an amount allowed under the rules governing such payment by the district courts of the State of Nebraska.

003 Petition to Revoke Subpoena.

003.01 Within five (5) days (excluding Saturdays, Sundays and official State holidays) after the service of a subpoena on any person, including the Chairman or any Commissioner, requiring the attendance of said person as a witness at an investigation, or requiring the production of any evidence in her or his possession or under her or his control, such person may petition the Commission in writing, personally or by registered or certified mail, to revoke the subpoena. The Commission shall revoke such subpoena if, in its opinion, the attendance of the person subpoenaed or the evidence, the production of which

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is required does not relate to any matter under investigation or to any matter in question in such proceedings before the Commission, or if in its opinion, such subpoena does not describe with sufficient particularity the reasons requiring the attendance of a person as a witness, or the evidence, the production of which is required. If the Chairman or any Commissioner has been served with a subpoena, then the Chairman or Commissioner so served shall not participate in the decision of the Commission with respect to such petition.

 $\underline{003.02}$ If a petition to revoke a subpoena is properly served, the person on whom the subpoena has been served shall not be required to respond to such subpoena until the Commission has acted upon the petition.

 $\underline{004}$ On the failure of any person to obey a subpoena issued by the Commission, the Commission shall make application to the district court of the county in which the witness resides or transacts business or is found, for an order from the court for such person to show cause why she or he shall not be held in contempt of court except as provided in 3.003.

 $\underline{005}$ Any Commissioner participating in an investigation may administer oaths or affirmations.

EQUAL OPPORTUNITY COMMISSION OF THE STATE OF NEBRASKA

(Name of Complainant)) Case No
Complainant,	,)
 -) APPLICATION FOR SUBPOSE
V3. ·)
(Name of Respondent)))
Respondent	;
TO THE CHAIRMAN OF THE EQUAL COMMISSION OF THE STATE	
Comes now your petit	ioner and states:
(Check one)	•
That at a meeting of the F	Qual Opportunity Commission of the
-	
	, 19, a majority of
the Commissioners present v	oted to apply for a subposess in this ca
Z. That he is (complainant) (respondent) in the above case, or
3. That he is the Hearing Ex	aminer conducting the public hearing
in the above case.	•
4. That it is necessary to co	mpel the attendance of the following
witnesses at the public bearing	eg scheduled for the day of
, 19, a	tM., at
	city of, Nebras
(Name)	(Address)
(Name)	(Address)
WHEREFORE, your p	entioner prays that the above-stated
witnesses be commanded to appear be	Moze the Hearing Examiner for the
Public hearing to be held in the above	
, 19, a:	M., at
is the city of	Nich en e la
•	

Petitioner

Title 139 Chapter 3 Appendix B

I hereby certify that I se	erved a copy of the	ioregoing Appli
Subpoens on the Chairman of the Ed	qual Opportunity Co	mmission of th
te of Nebraska by (personal service		·
. (personal service	e, cermieć mail, o	r registered m
		<u> </u>
(pame)		
		Nebraska,
(Accress) the day of	(City)	
	· · · /·	
	•	
•		
Sworn to before me this	day of	
		•
	•	
• •		
, N e	otary Public	

EQUAL OPPORTUNITY CC: MMISSION OF THE STATE OF NEBRASKA

) Case No.
	Complainan:,	,)
	vs.) SUBPOENA '
	•	- }
		• •
	. Respondent.	1
TO		_:
	(Address)	
	, Neore	aska.
	(City)	
	Pursuant to the auth	ority vested in me by Neb. Rev. Stat.
§48-1	1117(2), 1973 Supp., and Rule	5.01(1) of the Rules and Regulations of
the E	qual Opportunity Commission	of the State of Nebraska,
	You are hereey	COMMANDED to appear before the Hearing
Ema	nimar in the public hearing of t	he above extitled matter to be held at
	· · · · · · · · · · · · · · · · · · ·	, Nebraska, on theday of
(Add	iress (City) , 19 , a	ao'clock, M., to give
معارة	nce on the part of (complaint)	
. 64100		•
	•	d seal of the Equal Op portunity Commission
of the	e State of Nebraska this	day of
	•	
	· .	Chairperson.
		Equal Opportunity Commission
		of the State of Neoraska

State of Nebraska) as. AFFIDAVIT OF	
COUNTY OF	AFFIDAVIT OF	SERVICE ·
	ervice is made on the person na	
personally, by reg	istered mail or by certified ma	1.)
I hereby car	tify that I have served a copy of	the foregoing
בים		** .*
		. Nebraska.
(Address)	(City)	
Ъу		, on the
day of	, 19	
I bereby cer	tify that I have served a copy of	the foregoing
subpoess upon the complain		, at
		, Nebraska,
(Address)	(Cizy)	
b7		on the
day of	, 19	•
l bereby cer	tify that I have served a copy of	the foregoing
subpoess on the respondent	,	, at
•		
(ACCICSS)	(Ciry)	
		, on the
gay of	, 19	
		•
	·	
,		
Sworn to bei	ore me thisday of	
•		
19		
	Notary Public	
	WOTELL ENDING	

EQUAL OPPORTUNITY COMMUSSION OF THE STATE OF NEERAS KA

) Case No
Complainant,))
v.) }
	APPLICATION FOR
Respondent.) ENFORCEMENT OF SUBPOENA)
TO THE EQUAL OPPORTUNITY CO:	MMISSION OF THE STATE OF NEERAS
Comes now your petiti	
1. That	applied for a subpoer size, it)
in the above titled case on	sne, it)
	•
2. That said subpoeca	was served on
ру	os
3. That said party has	s failed or refused to obey a subpoena
issued and served upon him in accord	ance with the Nebraska Fair Employme
Dungsion Act and the Rules and Beaut	azions of the Equal Opportunity Commis
of the State of Nebraska.	
WHEREFORE, your pe	ninioner prays that the Equal Opportunit
Commission proceed forthwith to per	Hoe the district court having jurisdiction
of the mamor for an order requiring	compliance with the subposes at a
	for theday of
19o'clock	M. at
Vahen	(Address)
(City)	ne.
	•
	Pensoner
•	Lef Horel

SINIE CE N	TOKAS IN	,	AFFIDAVIT	0= 6E21=	-
COUNTY OF			KI I I I KI I I	OL STRÁT	C2 -
	(Indicate who personally,	ether service by registered	is made on the p mail or by certi	erson nam fied mail.	ied)
	I hereby cer	rnify that I hav	e served a copy :	of the fore	gorağ
Application fo	r Enforceme	nt of Subpoens	upon		
at		-' (C i	· • •		Nebraska
(Address)		(Ci			os the
	day of		. 19	•	
			e served & copy o	_ _	going
Application for	r Enforceme	nt of Subpoeza	upon the compla	icest	
•	, at				
Nebraska, by		Address)		(City)	
	62y 6: _			, 17.	 ·
	I bereby cer	rtify that I have	served a copy of	of the fore	going
of zodesüqçA	r E <u>sforceme</u>	at of Subpoens	on the responder	<u> </u>	_
	, at _		`		
Nebraska, by		(Actress)		(City)	, oe th
			19	·	_
		_			
			····	·	
	Swore to be	lore me this _	day o		·
19 .			•		
	•				
			Notary	Public	
(57.7.)					

EQUAL OPPORTUNITY COMMISSION OF THE STATE OF NEBRASIIA

(Name of Complainant)	Case No.
Complainint,	APPLICATION FOR SUBPOENA DUCES TECUM
(Name of Respondent))
Respondent	;
TO THE CHAIRMAN OF THE EQUA COMMISSION OF THE STAT	
Comes now your pent	coner and states:
(Check one) 1. That at a meeting of the ?	Equal Opportunity Commission of the
State of Nebraska on	, 19, a majority of
the Commissioners present v	voted to apply for a subpoens in this case
2. That he is (complainant)(respondent) in the above case, or
3. That he is the Hearing Ex	mminer conducting the public hearing
in the above case.	
4. That it is necessary to re	equire the production for examination of
amy books, payrolls, records	s, correspondence, documents, papers
or other evidence relevant to	a charge filed with the Equal Opportunity
Commission in the above man	mer. More specifically, penincher seeks
the production for examination	na and copying of the following items
which are believed to be in th	se possession or control of
	, of
(Name)	' (Address) . Nebraska:
(City)	
·	

the above-stated documents, be compelled to appear for the taking of a deposition and to bring with (him)(her)(it) such documents listed above for examination and copying on the
deposition and to bring with (nim)(her)(it) such documents listed above for examination and copying on the
examination and copying on theday of, 19, at, M., at
M., atin the city of
Dated this day of, 1974.
Dated this day of, 1974.
. Petticaer
Pesticaer
·
•
AFFIDAVIT OF SERVICE
STATE OF NEBRASKA)
COUNTY OF
I hereby certify that I served a copy of the foregoing applica-
tion for Subposing Dunes Tecum on the Chairman of the Equal Opportunity
Commission of the State of Nebraska by (personal service, certified mail,
or registered mail) (Name)
(Address) (City)
ca me day of 19
•
Sworn to before me this day of, 19,
Noway Public

(seal)

EQUAL OPPORTUNITY COMMISSION OF THE STATE OF NEBRASKA

		_•) Case No.	
	v s.	Complainant,)) SUBPOENA DUC	ES TECUM
)	•
•		Respondent.)	, a
TO			_:	•
	(Address)	Nebrask	- 1	
	(City			
	Pursuant to ti	e authority ves	ted in me by Neb. Rev.	Stat. §48-1117(2)
1973 5	upp., and Rule	5.01(1) of the	Rules and Regulations of	the Equal Opport
Commi	ission of the St	ate of Nebraska	·,	
	YOU ARE CO	MMANDED to a	ppear at	ia the ci
	. N	ebraska, on the	day of	. 19
			tify on behalf of	
at the t	aking of a dep	osition in the ab	ove emitted action pendi	ng before the Equ
Ópport	maity Commiss	tion of the State	of Nebraska and bring w	rith you
			·	
		·.		
officer on its i which I	lesignation with s, directors, a behalf, and sha he will testify a	h the Equal Opportment of the	not a party to this action or tunity Commission spectra, or other persons we each person designated ments or things. The personably available to the personably available to the personably available.	cifying one or m ho consent to test , the mamers on ersons so design:
	Dated		. 19	
	•			
			Chairman,	-1
			Equal Opportunity Commof the State of Nebras	
		•		
(SZAL))			

litle 139 Chapter 3 Appendix J

STATE OF NEBRASKA	,	
COUNTY OF) #S.	AFFIDAVIT OF SERVICE
(Tadioses		s made on the person
named berso	ether service i hally, by reris	tered mail or by
certified m	ail.)	
*	h., aa:#., ab	* have as
T HELE	by deserth first	I have served a copy of
the foregoing subpos	na duces tecut	чрол,
at .	, , -	
(Address)	 ' 	(City) , Mebrask
ъу		on the
day of		19
	•	
I hare	by certify that	I have served a copy of the
foregoing subpoent d	uces tecum upon	the complainant,
	_, at	(Address)
	, Nebraska	, by
(C1=V)	-	
on thed	ay 0:	, ¹⁹
I bere	by certify that	I have served a copy of the
f: regoing subpoena d	nies besim nass	the recondant
• •	-	
	, at	
	. Nebras	ka, by
(C) =v)		_ : : : : : : : : : : : : : : : : : : :
on thed	ey of	, 19
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· S	worm to before :	me thisday of
10		
±3		
	. •	S
		Notary Public
	•	

EQUAL OPPORTUNITY COMMUSSION OF THE STATE OF NEERASKA

	Case No.
(Complainant,)	
Y.)	•
<u> </u>	••
·	APPLICATION FOR ENFORCEMEN
Respondent.)	of subpoena duces tecum
TO THE EQUAL OPPORTUNITY COM	MUSSION OF THE STATE OF NEBRAS
Comes now your petitio	ner and alleges:
1. That	applied for a subpossa
duces tocum in the above fitled case or	a, 19,
2. That said subpossa	duces tecum was served on
ру	
19	•
3. That said party has	failed or refused to obey a subpoena
duces tecum issued and served upon hi	m in accordance with the Nebraska
· Fair Employment Practice Act and the	Rules and Regulations of the Equal
Opportunity Commission of the State of	f Nebraska.
WHEREFORE, your pet	itioner prays that the Equal Opportunit
Commission proceed forthwith to petit	ion the district court having jurisdiction
of the matter for an order requiring co	implaince with the subpoent duces tecu
-	Perinner

STATE OF NEBRASKA			
COUNTY OF) 88. · AE	FIDAVIT OF SERVICE	
	!		
		e on the person named	
personally, by	registered mail o.	r by cermined mail.)	
I hereby certify	that I have serve	d a copy of the foregoin	E
Application for Enforcement of	Submaña Duces	Term min	
Application for Empirement of	. Deciment Dates		_
= =:		(City)	_ ·
	(Address)	(City)	•
Nebraska, by		·	on the
czy d:		. 19	
I hereby certify	that I have serve	d a copy of the foregoin	Z
Application for Enforcement of	Subposes Duces	Tegum upon the comple	izas:
	, at	(Acidense)	<u> </u>
·	_, Nebraska, by	(Add1030)	
(City)	14		
	n the	day of	
		•	
19			
I hereby cermity	that I have serve	d a copy of the foregoin	Z .
Application for Enforcement of	Subposts Duces	Tagem on the mathematic	
white and the man comer or			
	, at		
	, Nebraska, by	(Address)	
(Ciry)		•	
	, as the	day of	
19	•	•	
			
		· .	
Sworn to before	me this	day of	
19			
•		Notary Public	
	•	Notary Fublic	

23

The Equal Opportunity Con-	numission of the State of Nebraska to the
	_Commy, in Said StateGreetings:
	_
You are here	eby commanded to notify
	. Nebraska, that he is being
subposnaed as a witness on	behalf of the respondent at the public hearing
œv	to be held in
•	on the day of December, 10
(Address	5)
You will make	ke due return of this summons on or before th
day of	, 1974.
	Chairman, Equal Opportunity
	Commission of the State of Nebra
	•
STATE OF NEBRASKA) .
כסנאדץ סד) ss
Tais summa	as came into my hands
and I certify that I served to	he same upon the following persons named the
•	
on the dates given, by deliv	the same upon the following persons named the vering to them personally, within said county,
on the dates given, by deliv	
on the dates given, by deliv	vering to them personally, within said county,
on the dates given, by delivered copy thereof, with	vering to them personally, within said county,
on the dates given, by delivered, with the control of the control	vering to them personally, within said county, all the endorsements thereon, to-wit:
on the dates given, by delivered copy thereof, with	vering to them personally, within said county, all the endorsements thereon, to-wit:
on the dates given, by delivered copy thereof, with the Care Care Care Care Care Care Care Car	vering to them personally, within said county, all the endorsements thereon, to-wit:

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	And upon the following persons name	ed therein by leaving
for each of	them at their usual place of residence,	in said county, a
certified co	py thereof, with all the endorsements t	thereon, to-with
	œ	
,	· œ	
•	The following persons named therei	in I cannot find in this
county, to-	wit: [Name].	
	[Signature], Sheriff of	County, Nebraska-
	Ву	Depusy.
·Fee	:s:	
Service	<u> </u>	
Mileage	\$	
	•	

Total